IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 42 OF 2006

Santosh Uttam Bhalerao ....Applicant.

V/s

The State of Maharashtra ...Respondent.

Mr. R.D. Suryawanshi for the applicant.

Ms. M.M. Deshmukh, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 17th January, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with the offence which is registered by the Kalyan Taluka Police Station vide C.R. No.I-129/2004 for the offence punishable under sections 376(2), 452, 342, 506 of the Indian Penal Code.

3. The case of the prosecutrix is that the applicant alongwith others apprehended her brother-in-law and, thereafter, the accused No.1 Sunil Ranva Hatkar committed rape on her. The prosecutrix has identified the persons who had apprehended her brother-in-law.

The charge-sheet has been filed. Apart from the role of apprehending her brother-in-law, no other role is attributed to the applicant. The applicant is 20 years of age. Considering his age and the fact that he has not participated in the commission of the offence of rape, the applicant is released on bail in the sum of Rs 5,000/- with one or two sureties in the like amount. The applicant, however, shall not enter the jurisdiction of Kalyan Taluka Police Station during the pendency of the trial. He shall give his new address to the Superintendent before his release and shall, thereafter, report to the nearest Police Station from his new residence and he shall report to the said Police Station once in a week.

4. Criminal Application is disposed of in the above terms.

V.M. KANADE, J.